

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JONATHAN HALE,)	
)	
Plaintiff,)	
)	
v.)	No. 3:10-0043
)	Judge Echols
WILLIAM SMITH, <i>et al.</i>,)	
)	
Defendants.)	

ORDER

This is a civil rights action brought under 42 U.S.C. § 1983 in which Plaintiff, an inmate at the Robertson County Detention Center (“Detention Center”), has sued the Robertson County Sheriff’s Department (“Sheriff’s Department”), the Detention Center, and William Smith, a guard at the Detention Center. The Magistrate Judge has entered a Report and Recommendation (“R & R”) (Docket Entry No. 35) in which she recommends that Defendants’ Motion to Dismiss (Docket Entry No. 16) be granted and that the Sheriff’s Department and the Detention Center be dismissed from this action. Although Plaintiff was specifically advised of his right to object to the R & R, no objections have been filed.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). In this case, after reviewing the Complaint, the Court finds that the Magistrate Judge was correct in determining that Plaintiff’s Complaint fails to state a claim upon which relief may be granted against the Sheriff’s Department and the Detention Center because neither is a suable entity under 42 U.S.C. § 1983. As the Magistrate Judge correctly observed, the Detention Center is a building and, while “bodies politic” may be sued under 42


U.S.C. § 1983, a police department is not a person for purposes of 42 U.S.C. § 1983. See, Matthews v. Jones, 35 F.3d 1046, 1049 (6th Cir. 1994).

Accordingly, the Court rules as follows:

- (1) The R & R (Docket Entry No. 35) is hereby ACCEPTED AND APPROVED; and
- (2) Defendants' Motion to Dismiss (Docket Entry No. 16) is hereby GRANTED and Plaintiffs' claims against the Robertson County Sheriff's Department and the Robertson County Detention Center are hereby DISMISSED WITH PREJUDICE.

This case is hereby returned to the Magistrate Judge to prepare a report and recommendation on the motions for summary judgment filed by remaining Defendant Smith (Docket Entry No. 30) and Plaintiff (Docket Entry No. 39).

It is SO ORDERED.


ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE